

**ORIGINAL****UNITED STATES DISTRICT COURT**

DISTRICT OF

Guam

UNITED STATES OF AMERICA,

Plaintiff,

V.

**SUBPOENA IN A  
CRIMINAL CASE**

BRIAN WILLIAM ELM, ET. AL.,

Case Number: CR05-00053

Defendants.

TO:

SUPERIOR COURT OF GUAM - PROBATION SERVICES DIVISION  
120 West O'Brien Drive  
Hagatna, Guam 96910

**FILED**  
DISTRICT COURT OF GUAM  
MAY 11 2006**MARY L.M. MORAN  
CLERK OF COURT**

☒ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below, or any subsequent place, date and time set by the court, to testify in the above referenced case. This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

PLACE	UNITED STATES DISTRICT COURT OF GUAM 520 WEST SOLEDAD AVENUE HAGATNA, GUAM	COURTROOM 4TH FLOOR
		DATE AND TIME MAY 11, 2006 at 9:30 a.m.

☒ YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

Any and all documentation and/or logs pertaining to the supervision of Brian William Elm, on house arrest and curfew from early 2004 to early 2005, by the Superior Court of Guam, Probation Services Division.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

MARY L. M. MORAN

Clerk Of Court

(By) Deputy Clerk

DATE

MAY 10 2006

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

VAN DE VELD, SHIMIZU, CANTO & FISHER  
167 E. Marine Corp Drive, Hagatna, Guam  
Tel. No. 1-671-0547-200531

BY: CURTIS C. VAN DE VELD, ESQ.

Filed 05/11/2006 Page 1 of 4

# PROOF OF SERVICE

RECEIVED BY SERVER	DATE 5/10/06	PLACE USMS Hagatb Gn
SERVED	DATE 5/10/06	PLACE Superior Court of Gn Probation Office, Hagatb Gn
SERVED ON (PRINT NAME) Bernie Rosario Management Secretary		FEEs AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO AMOUNT \$ _____
SERVED BY (PRINT NAME) David A. Punzalan		TITLE CI - DUSM

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 5/10/06  
DATE

[Signature]  
SIGNATURE OF SERVER  
USMS Hagatb Gn  
ADDRESS OF SERVER


## ADDITIONAL INFORMATION

U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

PLAINTIFF <b>UNITED STATES OF AMERICA</b>	COURT CASE NUMBER <b>CR05-00053</b>
DEFENDANT <b>BRIAN WILLIAM ELM</b>	TYPE OF PROCESS <b>SUBPOENA</b>

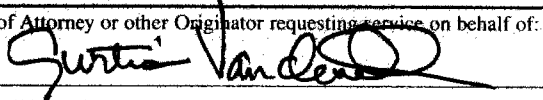
**SERVE**  **AT**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
**SUPERIOR COURT OF GUAM - PROBATION SERVICES DIVISION**

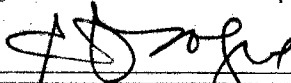
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  
**120 West O'Brien Drive, Hagatna, Guam 96910**

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:  <b>Curtis C. Van de veld, Esq. VAN DE VELD, SHIMIZU, CANTO &amp; FISHER 167 E. Marine Corp Drive Hagatna, Guam 96910</b>	Number of process to be served with this Form - 285 <b>1</b>
	Number of parties to be served in this case <b>1</b>
	Check for service on U.S.A. <b>N/A</b>

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):  
Fold

Signature of Attorney or other Originator requesting service on behalf of: 	<input type="checkbox"/> PLAINTIFF <input checked="" type="checkbox"/> DEFENDANT	TELEPHONE NUMBER <b>(671) 472-1131</b>	DATE <b>05/09/06</b>
---	---	---	-------------------------

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <b>1</b>	District of Origin No. <b>93</b>	District to Serve No. <b>93</b>	Signature of Authorized USMS Deputy or Clerk 	Date <b>5/10/06</b>
---	---------------------------	-------------------------------------	------------------------------------	--	------------------------

I hereby certify and return that ☒ I have personally served, ☐ I have legal evidence of service, ☐ I have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above) <b>Bernie Rosario, Manager</b>	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
--	---

Address (complete only if different than shown above)	<b>RECEIVED</b> <b>MAY 11 2006</b> <b>DISTRICT COURT OF GUAM</b> <b>HAGATNA, GUAM</b>	Date of Service <b>5/10/06</b>	Time <b>3:30</b> <b>pm</b>
		Signature of U.S. Marshal or Deputy 	

Service Fee 	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Amount owed to U.S. Marshal or	Amount of Refund
--	---	----------------	---------------	--------------------------------	------------------

REMARKS:

**INSTRUCTIONS FOR SERVICE OF  
PROCESS BY THE U.S. MARSHAL**

Please type or print legibly, insuring readability of all copies. **DO NOT DETACH ANY COPIES.**

Submit one complete set of this form (USM-285) and one copy of each writ for each individual, company, corporation, etc., to be served or property to be seized or condemned. The applicable fees for such service(s) (T28, USC Sec. 1921 establishes the fees for service of process by the U.S. Marshal) may be required prior to said service.

For service of any process upon an officer or agent of the United States Government, submit a copy of the writ and a set of Form USM-285 for each officer or agent upon whom service is desired. Submit three (3) additional copies of the writs for service upon the Government of the United States. The U.S. Marshal will serve one (1) upon the U.S. Attorney and will forward two (2) to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or his Deputy always certifies service on the U.S. Attorney and the Attorney General, regardless of whether other defendants on the writ were served.) Failure to provide any of the copies will delay service of the writ.

Complete all entries above the double line. Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the U.S. Marshal in expediting service.

If more than one writ and USM-285 is submitted on a single case, the U.S. Marshal will receipt for all of them on the first USM-285. You will receive for your records the last (No. 5) "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Clerk of the Court.

Upon completion of all services (if the Marshals fees were not requested or tendered in advance or if additional fees are indicated), you will receive a "Billing Statement" (copy 4 of USM-285) from the United States Marshal. (NOTE: Copy 4 should be returned, by you, to the U.S. Marshal, together with your payment of the amount owed.)

Additional supplies of the USM-285 may be obtained from the Clerk of the U.S. District Court or U.S. Marshal, without cost.

**RECEIVED**

MAY 11 2006

U.S. MARSHAL SERVICE

FEDERAL BUREAU OF INVESTIGATION